

CITY of ALBUQUERQUE

SIXTEENTH COUNCIL

COUNCIL BILL NO. _____ ENACTMENT NO. _____

SPONSORED BY:

1 ORDINANCE

2 ADOPTING A FIRE CODE PRESCRIBING REGULATIONS CONSISTENT WITH
3 NATIONALLY RECOGNIZED GOOD PRACTICE FOR THE SAFEGUARDING TO A
4 REASONABLE DEGREE OF LIFE AND PROPERTY FROM THE HAZARDS OF FIRE
5 EXPLOSION, AND DANGEROUS CONDITIONS ARISING FROM THE STORAGE,
6 HANDLING AND USE OF HAZARDOUS MATERIALS AND DEVICES, AND FROM
7 CONDITIONS HAZARDOUS TO LIFE OR PROPERTY IN THE USE OR OCCUPANCY OF
8 BUILDINGS OR PREMISES AND PROVISIONS TO ASSIST EMERGENCY RESPONSE
9 PERSONNEL; PROVISIONS OF THIS CODE SHALL SUPPLEMENT ANY AND ALL LAWS
10 RELATING TO FIRE SAFETY AND SHALL APPLY TO ALL PERSONS WITHOUT
11 RESTRICTION, UNLESS SPECIFICALLY EXEMPTED; PROVIDING FOR A BOARD OF
12 APPEALS; PROVIDING PENALTIES FOR VIOLATIONS OF CODE PROVISIONS;
13 REPEALING THE FIRE PREVENTION CODE ADOPTED IN 1993 BY ORDINANCE NO. 22-
14 1993; PROVIDING A SEVERABILITY CLAUSE; AND DECLARING AN EMERGENCY.
15 BE IT ORDAINED BY THE COUNCIL, THE GOVERNING BODY OF THE CITY OF
16 ALBUQUERQUE:

17 **Section 1. Adoption of the Fire Code.**

18 (A) For the purpose of prescribing minimum regulations governing conditions
19 hazardous to life and property from fire, hazardous materials, or explosion within the City
20 of Albuquerque, New Mexico, the following is adopted.

21 (B) The following documents are hereby adopted as the City of Albuquerque Fire
22 Code, and from the date on which this ordinance takes effect shall be controlling within
23 the boundaries of the City of Albuquerque, New Mexico:

24 (1) The International Fire Code, 2003 Edition and Appendix D except
25 Sections 2206.2.4 Number 3, 2206.2.4.1, 2206.2.4.2 and 3305, and all references to

[+ Bracketed/Underscored Material +] - New
[- Bracketed/Strikethrough Material -] - Deletion

1 International Plumbing, Mechanical and Electrical Codes as published by the
2 International Code Council (ICC).

3 (2) All Fire Codes, Standards and Supplements, as published by the National
4 Fire Protection Association (NFPA).

5 (3) The NFPA 101 Life Safety Code, (LSC) 2003 as published, is adopted in its
6 entirety.

7 **Section 2. Conflict of Codes.**

8 The Fire Chief or his/her duly authorized representative shall have jurisdiction
9 to administer the City of Albuquerque Fire Code as applicable to all existing structures.
10 When a conflict exists in a specific code requirement between applicable Sections of
11 the Life Safety Code, the International Fire Code (IFC) and the International Building
12 Code (IBC), the most stringent shall apply.

13 **Section 3. Authorities Having Jurisdiction.**

14 The Building and Safety Division shall have jurisdiction to administer the
15 International Building Code along with Administrative and Technical Codes of the City
16 of Albuquerque for construction, alteration, moving, demolition, repair, use and
17 occupancy of buildings, structures and building service equipment. The Fire Marshal
18 shall have jurisdiction under the City of Albuquerque Fire Code to test and inspect fire
19 suppression systems, including fire hydrants, fire extinguishers, fire alarms and
20 sprinkler systems installed in construction, alteration, moving, demolition, repair, use
21 and occupancy of buildings, structures and building service equipment.

22 **Section 4. Amendments.**

23 The International Fire Code is hereby amended as set forth in this section.
24 When an existing section number of the International Fire Code is referred to below, the
25 text herein shall control. When a new section or subsection is referred to below, it shall
26 be added to the International Fire Code as adopted in Section 1 of this Ordinance.

27 **CHAPTER 1**

28 **TITLE AND SCOPE**

29 **Title**

30 **Section 101.1.1** This code shall be known as the CITY OF ALBUQUERQUE FIRE
31 CODE, may be cited as such, and will be referred to herein as "this code".

32 **Section 104.3.1.1** Authority to Enter Premises. Whenever it is necessary to make
33 an inspection of any premises, to enforce any of the provisions of this code or other

1 applicable referenced law, the Fire Marshal or his/her authorized representative is
2 hereby authorized to enter such premises at any reasonable time and to inspect the
3 same and perform any duty imposed upon the Fire Marshal by this code or other
4 applicable law provided that:

5 Before entering said premises, he/she shall first make a reasonable effort to locate the
6 owner or other persons having charge or control of the property and request entry,
7 explaining his/her reasons.

8 **Section 104.3.1.2** If such entry is refused or the owner or other persons having
9 charge or control of the property cannot be located, the Fire Marshal or his/her authorized
10 representative shall proceed to obtain a search warrant by filing an application upon oath
11 or affirmation before Metropolitan Court, District Court, or any Court having jurisdiction.
12 The application shall:

- 13 1. Set forth the particular premises sought to be inspected.
- 14 2. State that the owner or occupant of the premises has refused entry or that the
15 owner or other persons having charge or control of the property cannot be located.
- 16 3. State that an inspection of the premises is necessary to determine whether it
17 complies with the requirements of this code.
- 18 4. Set forth the particular provisions of this code sought to be enforced.
- 19 5. Set forth any other reasons necessitating the inspection, including knowledge
20 or belief that a particular condition exists in the premises which constitutes a violation of
21 this code.
- 22 6. State that the Fire Marshal or his/her authorized representative is authorized by
23 the City to make the inspection.

24 **Section 104.10.1.1** Investigations. The Fire Chief or his/her authorized representative
25 shall be responsible for investigating the origin, cause and circumstances of every fire
26 occurring in the municipality which is of suspicious nature or which involves loss of life or
27 injury to persons or by which property has been destroyed or substantially damaged.
28 Such investigations shall begin immediately upon the occurrence of such a fire and, if it
29 appears that such fire is of suspicious origin, the Fire Marshal or his/her representative
30 shall be immediately notified of the facts; and shall take charge of the physical evidence,
31 shall notify the proper authorities designated by law to pursue the investigation of such
32 matters, and shall further cooperate with the authorities in the collection of evidence and
33 in the prosecution of the case.

Section. 104.10.1.2 The Police Department, upon request of the Chief of the Fire Department, shall assist the Fire Chief or his/her authorized representative in the investigation of any fire, explosion, or hazardous incident, which in the opinion, of the Fire Chief or his/her authorized representative, is of suspicious origin.

Such members of the Arson Division, who have been certified by a Law Enforcement Academy authorized by the State of New Mexico and commissioned, shall have the powers of arrest and authority to carry such weapons and utilize such equipment as necessary in the discharge of their duties.

Such sworn investigators of the Arson Division, as the Fire Marshal shall designate, through Fire Department Policy shall have the powers to conduct fire and arson investigations, and to enforce all arson laws of the State of New Mexico, and the City of Albuquerque and shall be empowered to discharge the duties of said position.

Section 104.10.1.3 Authority of Fire Personnel to Exercise Police Powers. The Chief and members of the Fire Department shall have the powers of a police officer in performing their duties under this code. No person or persons shall impersonate an Officer of the Fire Marshal's Office, Inspector, Fire or Arson Investigator, Fire Fighter or any other member of the Fire Department.

Section 104.10.1.4 Fire Marshal. The Chief may designate a member of the fire department to exercise the powers and perform the duties of fire prevention official as set forth in this code. He will be known as the Fire Marshal.

Section 104.10.1.5 Incident Loss Information. It shall be the responsibility of any person suffering loss as a result of fire, explosion, or other hazardous incident within the City of Albuquerque to provide the Albuquerque Fire Department within sixty (60) days, the dollar value of any loss as a result of such an incident. If insured, the person shall provide the name and address of the insurance company in which case the insurance company shall supply the final incident loss figures to the Albuquerque Fire Department.

Section 104.11.2.1 Resisting, Obstructing or Refusing to Obey an Officer. It is unlawful for any person to knowingly obstruct, resist or oppose any officer serving or attempting to serve or execute any process or any rule or order of any of the courts of this state or any other judicial writ or process.

For purposes of this section, "officer" shall mean the Fire Marshal and his/her duly

1 authorized representatives, including every Inspector, Fire Officer, Fire Arson Investigator,
2 and Firefighter.

3 The Albuquerque Police Department or the Bernalillo County Sheriff shall have the
4 power to commission as police officers individual members of the Arson Division for the
5 purpose of investigating arson and related crimes if such persons meet the qualifications
6 established in the New Mexico Statutes annotated 1978, for such appointment.

7 **PERMITS, INSPECTIONS AND CERTIFICATES**

8 **Section 105** Permit/Inspection Required. It shall be unlawful for any person, firm
9 or corporation to use a building or premises or engage in any activities for which a
10 permit or inspection is required by this code without first having obtained such permit
11 or inspection as required by the provisions of this code.

12 **Section 105.1.1.2** The Fire Department shall collect fees for each inspection required
13 to obtain a permit pursuant to this section. Inspections performed to issue required
14 permits shall be as follows and shall be an annual fee for each inspection. Permit fees
15 shall be deposited in the general fund. The schedule of permit fees per inspection
16 performed shall be as follows:

17 1. There shall be a permit fee of \$80.00 for a business having up to 3,000
18 square feet.

19 2. There shall be a permit fee of \$160.00 for a business having 3,001 square
20 feet to 6,000 square feet.

21 3. There shall be a permit fee of \$210.00 for a business having 6001 square
22 feet to 9,000 square feet.

23 4. There shall be a permit fee of \$260.00 for a business having 9001 square
24 feet to 12,000 square feet.

25 5. There shall be a permit fee of \$310.00 for a business having more than
26 12,001 square feet.

27 **Section 105.1.1.3** The Fire Department shall collect fees for each inspection required
28 to obtain a permit pursuant to this section. The following activities shall require
29 inspections to issue required permits and there shall be a \$100.00 fee per inspection.
30 Permit fees shall be deposited in the general fund.

31 1. Candles and open flames in assembly areas, (any candles not on the
32 Albuquerque Fire Department approved candle list must be tested by the Fire Marshal's
33 Office. The approved candle list is available at the Fire Marshal's Office). To use open

1 flames or candles in connection with assembly areas, dining areas of restaurants or
2 drinking establishments.

3 2. Carnivals and fairs. To conduct a carnival or fair.

4 3. Explosives or blasting agents. To transport, use explosive or blasting materials.

5 4. Fire hydrants and water control valves. To use a fire hydrant or operate a
6 water control valve intended for fire-suppression.

7 5. To display liquid or gas fueled vehicles or equipments.

8 6. To install, alter, remove, abandon, place temporarily out of service or
9 otherwise dispose of a flammable or combustible liquid tank.

10 7. Fireworks display. A presentation of fireworks for public or private
11 gathering.

12 8. Pyrotechnic special effects material. A permit is required for mixing
13 compounds, storing or using pyrotechnic special effects material.

14 9. For all tents, as defined in the International Fire Code, the permit fee is as
15 follows. Fees shall be deposited in the general fund.

16 A. There shall be a fee of \$50.00 for a tent or group of tents having up to 400
17 square feet.

18 B. There shall be a fee of \$100.00 for a tent or group of tents having 401
19 square feet to 1,500 square feet.

20 C. There shall be a fee of \$150.00 for a tent or group of tents having 1,501
21 square feet to 3,000 square feet.

22 D. There shall be a fee of \$200.00 for a tent or group of tents having 3,001
23 square feet to 6,000.

24 E. There shall be a fee of \$250.00 for a tent or group of tents having 6,001
25 square feet to 9,000.

26 F. There shall be a fee of \$300.00 for a tent or group of tents having more
27 than 9,001 square feet.

28 10. For any canopy or group of canopies, as defined in the International Fire
29 Code, the permit fee is as follows. Fees shall be deposited in the general fund.

30 A. There shall be a fee of \$50.00 for a canopy or group of canopies having
31 401 square feet to 1,500 square feet.

32 B. There shall be a fee of \$100.00 for a canopy or group of canopies having
33 1,501 square feet to 3,000 square feet.

1 C. There shall be a fee of \$150.00 for a canopy or group of canopies having
2 3,001 square feet to 6,000 square feet.

3 D. There shall be a fee of \$200.00 for a canopy or group of canopies having
4 more than 6,001 square feet.

5 Tent vendors shall submit site plans and condition of use for all tents, canopies,
6 including those canopies that do not require a permit fee, or other temporary membrane
7 structures to the Fire Marshal's Office for review before a permit will be issued.

8 **Section 105.1.1.4** For an inspection performed for each occupancy not requiring a
9 permit, the fee will be as follows and shall be an annual inspection. Inspection fees
10 shall be deposited in the general fund. For an inspection performed for each occupancy
11 not requiring a permit, the fee will be as follows and shall be an annual inspection:

12 1. There shall be a fee of \$30.00 for a business having up to 1,500 square
13 feet.

14 2. There shall be a fee of \$60.00 for a business having 1,501 square feet to
15 3,000 square feet.

16 3. There shall be a fee of \$110.00 for a business having 3,001 square feet to
17 6,000 square feet.

18 4. There shall be a fee of \$160.00 for a business having 6,001 square feet to
19 9,000 square feet.

20 5. There shall be a fee of \$210.00 for a business having more than 9,001
21 square feet.

22 **Section 105.1.1.5** Additional Fire Department Fees. Fees shall be deposited in the
23 general fund.

24 1. The fire department shall collect a \$25.00 fee for each requested fire
25 extinguisher demonstration.

26 2. The fire department shall collect a \$50.00 fee for each requested fire
27 evacuation plan

28 3. The fire department shall collect a \$25.00 fee for open burning.

29 4. There shall be a fee of \$60 for a required reinspection of an occupancy.
30 This fee will be imposed on the second reinspection after the initial inspection and each
31 inspection thereafter.

32 All permit and inspection fees shall be paid within thirty (30) days of inspection
33 completion. Failure to pay fees within one-hundred-twenty (120) calendar days will

1 result in fees being doubled. After two-hundred-forty (240) calendar days over-due
2 fees will triple. Failure to pay fees within one year may result in legal action, which
3 may require a court appearance.

4 **Section 105.3.5.1** Posting of Permit. Place of assembly occupancies shall have
5 the required permit posted next to the Occupant Load Sign near the main entrance.

6 **Section 105.4.1** Construction documents. Plans for all proposed new building
7 construction or remodeling of any building, structure, premise and all construction
8 requiring a permit within the scope of the Fire Code shall be submitted in duplicate to
9 the Planning Department of the City of Albuquerque for approval by the Fire Chief or
10 his/her authorized representative as to compliance with this code prior to beginning
11 construction. All construction shall be done in accordance with applicable code

12 **Section 105.4.1.1** Review of Plans for New Construction and Alterations. Plans for
13 all proposed construction or remodeling of any building or structure within the application
14 and scope of the City of Albuquerque Fire Code shall be submitted to the Fire Marshal's
15 Office Plan Review Section for approval by the Fire Marshal or his/her authorized
16 representative as to compliance with this code prior to the beginning of any construction.
17 All construction work must be done in accordance with all applicable codes and
18 standards.

19 **Section 105.4.1.2** Submittals. It will be the responsibility of the Fire Marshal's Office
20 Plans Checking Section to promulgate rules and procedures for the submittal of
21 construction documents.

22 **Section 105.5.1** The recipient of any permit issued pursuant to this Code, by
23 accepting such permit, does thereby consent and agree to entry upon the premises
24 described in the permit by the Fire Marshal or his/her authorized representative for the
25 purpose of conducting such inspections as are required by this code or other applicable
26 law.

27 In the event entry is denied to any premises for which a permit is required by this
28 code, the Fire Marshal or his/her authorized representative may commence proceedings to
29 revoke the permit, provided, the request to enter must have been made during reasonable
30 working hours and a written warning of the possible revocation must have been given
31 when entry is denied. The holder of a permit sought to be revoked shall have the right to
32 appeal as per Section 108.1.1 of this code.

33 The Fire Marshal or his/her authorized representative, or any Fire Department member

1 so designated by the Fire Chief is authorized to make such sketches and to take such
2 photographs as he may find necessary to execute the functions of his/her office. After
3 due notice of a violation of this code has been issued, such photographs may be taken as
4 are found necessary. Subsequent to a fire, explosion, or other emergency, such
5 photographs may be taken as are necessary to adequately depict the conditions for the
6 purpose of investigation. No person shall interfere with, refuse, or obstruct such
7 sketching or photo taking.

8 **Section 105.5.1.2** For purposes of this section, "premises" is defined as any
9 property, building, structure, yard, tank, or vehicle or any portion thereof.

10 **Section 105.7.1.1** Required Construction Permits. Within twelve (12) months of
11 adoption of this code, construction permits shall be issued for the work as set forth in
12 Section 105.7 through 105.7.12 once plans have been approved and associated permit
13 fees have been paid. Payment of fees will entitle the submitter to the plan review and
14 the Installation Acceptance Test. The fees shall be deposited in the general fund. The
15 schedule of fees shall be as follows:

16 Automatic Sprinkler System. Systems shall include all piping and valves from the
17 sub-out to the sprinkler heads.

18 1. There shall be a fee of \$75.00 for protected areas having up to 10,000
19 square feet.

20 2. There shall be a fee of \$125.00 for protected areas having up to 10,001
21 square feet to 52,000 square feet.

22 3. There shall be a fee of \$125.00 for each additional 52,000 square feet or
23 fraction thereof.

24 Standpipe Systems (Wet or Dry)

25 1. There shall be a fee of \$50.00 for each standpipe system up to 4 outlets.

26 2. There shall be an additional fee of \$50.00 for each additional 4 outlets or
27 fraction thereof.

28 Dry Chemical, Carbon Dioxide, FM 200, Halon and other Special Extinguishing
29 Systems.

30 1. There shall be a fee of \$50.00 for protected area 1 square foot to 5,000
31 square feet.

32 2. There shall be a fee of \$25.00 for each additional 5,000 square feet or
33 fraction thereof.

1 Commercial Cooking Hood and Fire Extinguishing Systems

- 2 1. There shall be a fee of \$50.00 each system.

3 Fire Alarm Systems, including smoke detection, fire detection, general evacuation
4 visual indicating appliance and special use systems.

5 1. There shall be a fee of \$50.00 for each protected area having up to 10,000
6 square feet.

7 2. There shall be a fee of \$75.00 for each protected area having 10,001 square
8 feet to 25,000 square feet.

9 3. There shall be a fee of \$75.00 for each additional 25,000 square feet of
10 protected area or fraction thereof.

11 **Section 106.1.1** Authority for Inspection and Enforcement. The Fire Chief or his/her
12 designated representative shall have power and authority to issue citations or to
13 otherwise take legal action for the violation of any section, code or standard referenced
14 by the City of Albuquerque Fire Code, and may be amended as needed.

15 Three certified copies of this ordinance as adopted shall be filed with the City Clerk
16 and shall be in effect immediately thereafter and additional copies shall be kept in the
17 office of the Fire Marshal.

18 **Section 106.2.1** Enforcement. The Fire Marshal or his/her authorized representative
19 shall inspect as often as deemed necessary, all buildings and premises, including such
20 other hazards or appliances as the Fire Chief may designate for the purpose of
21 ascertaining and causing to be corrected any conditions which would reasonably tend to
22 cause fire or contribute to its spread, or any violation or provision for the purpose of this
23 code and of any other law or standard affecting fire or life safety.

24 Exception. The interior of one and two-family dwellings shall be exempt from
25 the duty to inspect imposed by section 106.2.1 of this section unless there is
26 probable cause to believe an immediate hazard to life or property exists.

27 **Section 108.1.1** Appeals. There is hereby established a Board of Appeals which
28 shall consist of 3 members, as described below:

29 1. The Safety Supervisor of the Risk Management Department or his/her
30 designated representative.

31 2. The Chief Building Official of the Planning Department, or his/her designated
32 representative.

1 3. The Mayor, or his/her designated representative who shall act as
2 chairperson.

3 **Section 108.1.2** Any party aggrieved by an order or decision of any official under this
4 code may appeal said order or decision to the Board of Appeals, provided such party
5 within ten (10) days of the order or decision, has first applied to the Fire Marshal in
6 writing for reconsideration, and the Fire Marshal has denied all or part of such party's
7 request, pursuant to Section 108.1.1 of this code. Appeal shall be allowed only from an
8 adverse decision or by the Fire Marshal.

9 1. Written notice of appeal from the decision of the Fire Marshal to the Board of
10 Appeals must be given to the Mayor's Office within ten (10) calendar days after the order
11 or notice of the decision is received by the aggrieved party. Said notice shall contain an
12 enumeration of specific orders or decisions complained of, the date of the issuance of
13 such orders or decisions, and a brief statement of the reasons why such orders or
14 decisions are impractical, unwarranted, or create an unnecessary hardship. Said ten (10)
15 day period is jurisdictional and shall not be waived.

16 2. Hearings on appeals shall be held within fifteen (15) calendar days after notice
17 of appeal is received, unless otherwise agreed by both parties. Appealed orders or
18 decisions shall be stayed, pending a decision of the Board of Appeals unless the violation
19 constitutes an immediate hazard to life or property by reason of fire, hazardous materials,
20 explosion, or panic.

21 3. For the purposes of hearing appeals, the Board of Appeals shall have the power
22 to make inspections and to require the submission of such plans and specifications or
23 other evidence as it deems necessary.

24 4. Reasonable notice of the time, place, and nature of the hearing shall be
25 afforded to all parties. In conducting a hearing, the Board of Appeals shall afford all
26 parties an opportunity for a full and fair hearing, including right to counsel and the right to
27 call and examine witnesses to testify. The hearing shall be conducted in an orderly
28 manner, and the chairperson shall exclude all irrelevant, immaterial, and unduly repetitious
29 evidence.

30 5. The board shall adopt reasonable rules and regulations for conducting its
31 investigations and shall render all decisions and findings in writing to the Fire Marshal,
32 with a duplicate copy to the appellant, and may recommend to the governing body such
33 new legislation as is consistent therewith.

1 6. On the hearing of an appeal, the Board of Appeals shall have the power to
2 reverse, affirm, or amend the order or decision of the Fire Marshal, or to grant variances
3 from the provisions of this code; provided that before reversing or amending such order or
4 decision, or authorizing such variance the Board of Appeals shall first find as cause
5 therefore that in fact that strict enforcement of the order or decision is impractical,
6 unwarranted, or creates an unnecessary hardship in each instance. Such reversals,
7 amendments, or variances must be in conformance with the spirit and intent of this code,
8 and must reasonably secure the public safety.

9 7. In every appeal, the Board of Appeals shall issue its written decision within
10 seven (7) days, including its findings and conclusions, signed by each member, reversing,
11 affirming, amending, or granting variances as to each order or decision listed by the
12 aggrieved party in his/her notice under subsection 1 above.

13 8. Every decision or opinion of the Board of Appeals shall be made part of the
14 official records of the Fire Department, and a copy of such decision or opinion shall be
15 given to the aggrieved party and shall be filed in the office of the City Clerk.

16 9. The decision of the Board of Appeals shall be final and shall exhaust all
17 administrative remedies.

18 10. The Board of Appeals shall maintain for at least five (5) years a record of all
19 appeals heard before it. Appeals to the District Court shall be from the record. Said
20 record shall consist of a transcript or recording of all testimony taken during the hearing,
21 all exhibits offered, all plans and specifications as may have been required under
22 subsection 3 of this section, and a copy of the Board of Appeals decision.

23 **Section 109.2.3.1** Failure to comply with any order issued under this code or any of
24 its amendments or revisions may result in legal action being taken against any violator in
25 any court of jurisdiction, by issuing citations, criminal complaints or by ordering the
26 closure of such occupancy until compliance is achieved, or by any other legal process.

27 Authority to order closure of any building or any part thereof for cause shall be vested
28 in the Fire Marshal or his/her authorized representative when an immediate and/or distinct
29 hazard to life or property exists.

30 **Section 109.3.1** Citations and Criminal Complaints. Any person operating or
31 maintaining any occupancy, premises or vehicle subject to this code who shall permit
32 any fire hazard to exist on premises under his/her control or who shall fail to take
33 immediate action to abate a fire hazard when ordered or notified to do so by the Fire

Chief or his/her duly authorized representative shall be guilty of a misdemeanor. Upon conviction, each such violation shall be punishable by a fine of not more than five hundred dollars (\$500) or by imprisonment for not more than ninety (90) days or both.

CHAPTER 2

DEFINITIONS

1. **AUTHORIZED REPRESENTATIVE** shall include those officers named in this code.
2. **BUILDING OFFICIAL** shall mean the Chief Building Official of the Building and Safety Division.
3. **CAO** shall mean the Chief Administrative Officer of the City or his/her authorized representative.
4. **FIRE MARSHAL** is the head of the Fire Marshal's Office.
5. **CHIEF ENGINEER** shall mean the Fire Marshal or his/her authorized representative.
6. **CITY OR MUNICIPALITY** shall mean City of Albuquerque, New Mexico.
7. **CORPORATION COUNSEL** shall mean the City Attorney of the City of Albuquerque or his/her authorized representative.
8. **EXISTING** shall mean that which is already in existence at the date this code takes effect.
9. **EXISTING BUILDING** is any building in existence prior to the adoption of this code.
10. **FIRE LANE** shall mean areas referenced in Section 503.1.1.2 of this document.
11. **FIRE MARSHAL'S OFFICE** shall mean the Fire Prevention Bureau, Fire Plan Review, and Arson Section of the City of Albuquerque Fire Department.
12. **HAZARDOUS MATERIALS RELEASE** is defined as any unauthorized spilling, leaking, pumping, pouring, emitting, emptying, discharging, injecting, escaping, leaching, dumping or disposing into the environment of any hazardous material as defined in Chapter 27 of this code.
13. **JURISDICTION** shall mean the area within the corporate limits of the City of Albuquerque.
14. **MAYOR** shall mean the Mayor of the City of Albuquerque or his/her designated representative.

CHAPTER 3

GENERAL PRECAUTIONS AGAINST FIRE

Section 308.1.1 Open Burning and Recreational Fires. Bonfires, rubbish fires and open

burning operations are prohibited except as provided by the Joint Air Quality Control Board Ordinance.

Section 308.3.1 For other than one- and two-family dwellings, hibachi, gas-fired grill, charcoal grill, or other similar devices used for cooking, heating, or any other purpose, shall not be used or kindled on any balcony or under any overhanging portion or within 10 ft. (3m) of any structure. Listed electric ranges, grills, or similar electrical apparatus shall be permitted.

Section 312.2.1. Gas Meters Piping. Aboveground gas meters, regulators and piping exposed to vehicular damage due to proximity to alleys, driveways or parking areas shall be protected in the following manner:

1. A minimum of four inch diameter steel pipe buried two feet below grade and extending vertically a minimum of two feet above grade to adequately clear the top of the meter, regulator or exposed pipe.

2. Piping shall be placed on each side of each meter, regulator, or exposed piping with a maximum of two feet between pipe protection and meter, regulator or exposed pipe.

3. Maximum distance between protective piping shall be two feet.

4. Protective piping shall be encased in concrete below grade and filled to the top with concrete slurry.

Section 315.2.4.1 Any storage occupancy building or portion thereof capable of being used for high pile combustible storage (see definitions Section 2302 IFC 2003) but has not been designed for such storage shall be provided with signage stating "NO STORAGE". Lettering shall be 5 inches minimum with contrasting color and background. Such signage shall be posted conspicuously on the interior walls and doors leading to storage area.

CHAPTER 5

FIRE SERVICES FEATURES

Section 503.1.1.1 Fire Lanes on Private Property. The Fire Marshal or his/her authorized representative may require that Fire Lanes for new and existing structures be established on public or private property to provide access for fire suppression operations by the use of an improved public street, areaway, parking lot, driveway, or roadway.

1 **Section 503.1.1.2** A Fire Lane is an area, parking lot, driveway, roadway, or
2 portion thereof that shall be:

3 1. Designated or approved by Fire Marshal or his/her authorized representative
4 and appropriately marked by an approved sign or a red painted curb.

5 2. Fire lanes shall be marked as specified by the Fire Marshal. The color and
6 lettering of fire lanes shall be contrasting red background curb with white block capital
7 letters not less than five inches in height with a stroke not less than ¾ inches. Existing
8 signs designating fire lanes may remain if they are deemed by the Fire Marshal to
9 sufficiently identify and mark fire lanes. All signs and markings required by this code
10 shall be at the expense of the owner, lessee, or person in control of the property.

11 3. Fire lanes shall be cleared for its entire length.

12 4. It shall be unlawful for any person to park motor vehicles within, or
13 otherwise obstruct any Fire Lane except as may be specifically permitted by the Fire
14 Marshal.

15 5. Any vehicle stopped or parked within a Fire Lane, established, designated
16 and marked in accordance with this Section, or parked on a sidewalk so as to obstruct
17 an entrance or exit, may be removed at the expense of the vehicle owner. The person
18 in control of the premises shall keep designated Fire Lanes free of vehicles and all other
19 obstructions.

20 **Section 503.1.1.3** Fire Lanes shall be required for all structures, except residential
21 structures of four dwelling units or less.

22 Fire Lanes shall be as designated by the Fire Marshal and comply with the following:

23 1. Be a minimum of 20 feet in width and to have vehicle passing points 25 feet
24 in width and of length and interval as designated by the Fire Marshal.

25 2. Surfaced to support maximum weight of fire apparatus. Surfacing may be
26 concrete, asphaltic concrete, brick, stone, but not necessarily limited to such materials,
27 as approved by the Fire Marshal. Engineering data shall be submitted with plans review
28 submittal to substantiate weight-bearing capacity when required by the Fire Marshal.

29 3. Have a vertical clearance of not less than 13'6".

30 4. Have 40 feet minimum center line radius on curves.

31 5. Be dead-ended at no more than 150 feet maximum length, or; terminate in
32 minimum 40 feet center line radius cul-de-sac or hammerhead turning area as per IFC
33 Appendix D.

Section 503.1.1.4 Fire Lanes established for new and existing structures shall conform to Fire Lane requirements applicable at the time of construction; if no Fire Lane requirements were applicable at the time of construction, the Fire Marshal may require establishment of Fire Lanes to conform to the requirements of Section 508.5.4 (IFC 2003) insofar as is practicable without requiring any construction, structural modification.

The specific requirements of this section as applicable to a specific structure may be modified by the Fire Marshal in recognition of varying occupancies, size and hazards of buildings and the provision of other means of access or fixed fire protection.

Section 503.1.1.5 Authority to issue Motor Vehicle Citations

1. The Fire Marshal or his/her representative shall have power and authority to issue citations for parking violations in designated fire lanes, obstructed exits, fire escapes, fire hydrants, or for other fire hazards being created by parking of any motor vehicle.

2. The suspected violator's signature need not be required on a citation, but only the description of the vehicle, license number, VIN number, and date, section of this code violated and location of violation. The citation may be placed under the windshield wiper or affixed to the vehicle in a conspicuous place. Each such violation shall be punishable by a fine as set forth by traffic code.

3. In any prosecution charging a violation of any provision or subsection of this code governing or regulating the stopping, standing or parking of a vehicle, proof that the particular vehicle described in the citation or complaint was parked in violation of the code, together with proof that the defendant was at the time of such violation the registered owner of such vehicle, shall constitute prima facie evidence that the defendant was the registered owner and that the defendant was the person who parked or placed the vehicle at the point where, and or the time during which the violation occurred.

Section 505.1 Premises Identification. At least one set of address numbers shall be placed on the front of each principal building or on a separate structure in front of the building, each figure of which shall be:

1. Of any durable material which will reasonably withstand the natural elements; or

2. Of any material when placed in an area where they will not be affected by the natural elements; and

3. The numbers on a building which is not used as a house or townhouse shall not be less than five inches in height with a stroke not less than $\frac{3}{4}$ inches.

Section 508.5.4.1 Obstruction, Identification and Protection of Fire Hydrants and Fire Protection Equipment.

1. Obstruction. No person shall place or keep any post, fence, vehicle, growth, trash, storage or other material or thing near any fire hydrant, fire department connection or fire protection system control valve that would prevent such equipment or hydrant from being immediately discernible or in any other manner deter or hinder the fire department from gaining immediate access to said equipment or hydrant. A minimum 3-foot clear space shall be maintained around the circumference of the fire hydrants except as otherwise required or approved by the Fire Chief or his/her authorized representative. For purposes of this code the three foot (3') clearance requirement around any fire hydrant shall be measured from the bonnet.

2. It shall be unlawful to park any motor vehicle or other obstruction within 15 feet of a fire hydrant or within 5 ft. of any fire department connection, or control valve on public or private way.

3. It shall be unlawful to park any motor vehicle or otherwise obstruct a sidewalk in such a manner as to prevent, hinder or impair access to an entrance or exit.

CHAPTER 6

BUILDING SERVICES AND SYSTEMS

Section 610.2.1 Commercial kitchen hoods. A Type I hood shall be installed at or above all commercial cooking appliances and domestic cooking appliances used for commercial purposes that produce grease vapors. Automatic fire extinguishing systems shall comply with Standard UL 300. Effective date of compliance is within eighteen (18) months after notification of the requirements of this section, every building falling within its scope shall be in compliance.

CHAPTER 9

FIRE PROTECTION SYSTEMS

Section 903.2.1.2 Group A-2 An automatic sprinkler system and required alarm system shall be provided for Group A-2 occupancies where one of the following conditions exists:

1. The fire area exceeds 5,000 square feet (464.5m²);
2. The fire area has an occupant load of 300 or more; or
3. The fire area is located on a floor other than the level of exit discharge

Effective date for compliance. Within forty-eight (48) months after adoption of this code, every building falling within its scope shall be in compliance.

Section 907.2.1.1.1 In any place of assembly as defined in the International Fire Code, all alarm signaling systems shall be provided with a shunt to stop any conflicting or confusing sounds and visual distractions. Any occupancy in existence prior to the adoption of this code shall have eighteen (18) months from the date of the adoption of this code to comply.

Section 907.2.1.1.2 Within eighteen (18) months of adoption of this code, all fire alarm and detection systems installed or modified within the city shall be designed by persons with a minimum of a National Institute of Certification in Engineering Technologies (NICET) Fire Alarm Certified Level III Certificate.

CHAPTER 10

MEANS OF EGRESS

Section 1008.1.9 Panic hardware and fire exit hardware. Where panic and fire exit hardware is installed, it shall comply with the following:

1. The actuating portion of the releasing device shall extend at least one-half of the door leaf width.

2. The maximum unlatching force shall not exceed 15 pounds.

Each door in a means of egress from a Group A or E occupancy having an occupant load of more than 50 and any Group H-1, H-2, H-3 or H-5 occupancy, shall not be provided with a latch or lock unless it is panic hardware or fire exit hardware.

Exception: A main exit of a Group A use in compliance with Section 1008.1.8.3, Item 2.

Section 1027.3.1 Exit Obstruction.

1. No person shall be permitted by the management of any premises to so position himself in any exit door, exit passages, aisle ways, court or space used as an exit approach or discharge in such manner as to obstruct, impede or confuse persons desiring to use such exit facilities.

2. It shall be unlawful to cause or allow any required exit door or passage thereto to have the appearance, or cause occupants to presume, that the door or

1 passage is locked, blocked or otherwise unusable. Mirrors shall not be permitted on the
2 inside of required exit doors.

3 3. No turnstiles shall be placed in any required exit, or barring the way of
4 access thereto or travel therefrom, unless immediately adjacent to or within 20 feet,
5 there is a swinging door or gate opening freely in the direction of the exit travel, or an
6 open passage serving the same general path of travel as the turnstile.

7 4. Any devices or alarms installed to restrict the improper use of exit doors shall
8 be so designed and installed that they cannot, even in the case of failure, impede or
9 prevent emergency use of such exits.

10 **CHAPTER 27**

11 **HAZARDOUS MATERIALS GENERAL PROVISIONS**

12 **Section 2704.2.1.1** General. Prevention, control and mitigation of dangerous
13 conditions related to storage, dispensing, use and handling of hazardous materials shall be
14 in accordance with this chapter.

15 This chapter shall apply to all hazardous materials, including those materials regulated
16 elsewhere in this code, except that when specific requirements are provided in other
17 chapters, those specific requirements shall apply in accordance with the applicable
18 chapter. Where a material has multiple hazards, all hazards shall be addressed.

19 **Section 2704.2.1.2** Spill Control and Secondary Containment. Spill control and
20 secondary containment are required for quantities not exceeding maximum allowable
21 quantities. Spill control and secondary containment will be provided in accordance with
22 the International Fire Code.

23 **CHAPTER 33**

24 **EXPLOSIVES MATERIALS, FIREWORKS AND PYROTECHNIC SPECIAL EFFECT**

25 **MATERIALS**

26 **Section 3301.1.3.1** Manufacture, Sale and Discharge of Fireworks.

27 1. The manufacture of fireworks is prohibited within the City of Albuquerque.

28 2. It shall be unlawful to possess, sell, offer to sell, own, transport, or discharge
29 any fireworks, unless such items have been declared by the Fire Chief or his/her
30 authorized representative as not dangerous to persons or property, and except as
31 specifically provided herein.

32 **Section 3301.2.2.1** Sales. Application for permits to sell fireworks shall be made in
33 writing at least thirty (30) days in advance of the date of display. After such permit has

1 been granted, sale, possession, use and distribution of fireworks for such display shall be
2 lawful for that purpose only. No permit granted hereunder shall be transferable.

3 **Section 3301.2.3.1** Permits issued for use of explosives or blasting agents are valid
4 only for the job or project specified in the permit, and are not transferable.

5 **Section 3301.2.4.1** Before a permit is issued to use explosive materials, the applicant
6 shall file with the city a corporate surety bond in the principal sum of two million dollars
7 (\$2,000,000) or a public liability insurance policy for the same amount for the purpose of
8 the payment of damages to persons or property which arise from, or are caused by, the
9 conduct of an act authorized by the permit upon which a judicial judgment results. The
10 Fire Chief is authorized to specify a greater or lesser amount when, in the chief's opinion,
11 conditions at the location of use indicate a greater or lesser amount is required.

12 **Section 3301.2.2.2** Retail Sales Displays.

13 1. Height of Sales Displays. To provide for visual access of the retail sales area
14 by the employees and customers, partitions, counters, shelving, cases and similar space
15 dividers shall not exceed 6 ft. (1.8 m) in height above the floor surface inside the
16 perimeter of the retail sales area.

17 2. Merchandise on display or located on shelves or counters or other fixtures shall
18 not be displayed to a heights greater than 6 ft. (1.8 m) in height above the floor surface
19 within the retail sales area.

20 3. Where located along the perimeter of the retail sales area the maximum height
21 of sales displays shall be limited to 12 ft.(3.55 m)

22 4. In temporary consumer fireworks retail stands where the interior is not
23 accessible to the public, the maximum height of sales displays shall be limited to 8 ft.
24 (2.44m).

25 **Section 3301.2.2.3** Number of Exits.

26 1. The number of exits provided from the retail sales area shall be not less than
27 three or as determined in accordance with NFPA 101 Life Safety Code, which ever
28 number is greater.

29 2. Retail sales areas within Class C stores in which consumer fireworks retail sales
30 are conducted and temporary consumer fireworks retail sales stands shall have a minimum
31 of two exits.

32 **Section 3301.2.2.4** Egress Travel Distance.

33 1. Exits provided for the retail sales area of tents, membrane structures, canopies,

1 and permanent consumer fireworks retail sales facilities, including Class C stores, shall be
2 located so that the maximum egress travel distance, measured from the most remote
3 point to an exit along the natural and unobstructed path of egress travel shall not exceed
4 75 ft. (22.9 m).

5 2. Exits provided for temporary fireworks retail sales stands shall be arranged so
6 that the maximum egress travel distance does not exceed 35 ft. (10.6).

7 **Section 3301.2.2.5 Aisles.** Aisles serving as a portion of the exit access in consumer
8 fireworks retail sales facilities or within the consumer fireworks retail sales area of a store
9 shall meet the following:

10 1. Aisles width. Aisles shall have a minimum clear width of 48 in. (1.2m).

11 2. The required width of aisles shall be maintained unobstructed at all times the
12 facility is occupied by the public.

13 3. Minimum Clear Width. In temporary consumer fireworks retail sales stands
14 where the interior is not accessible to the public, the minimum clear width of the aisle
15 shall be permitted to be less than 28 in. (710 mm).

16 **Section 3301.2.2.6 Aisle Arrangements.**

17 1. Not less than one aisle shall be provided and arranged so that travel along the
18 aisle leads directly to an exit.

19 2. Other required exits shall be located at, or within 10 ft.(3.05 m) of, the end of
20 an aisle or cross aisle.

21 3. Aisles shall terminate at an exit, another aisle or a cross-aisle.

22 4. Dead-end aisles shall be prohibited.

23 5. Where more than one aisle is provided, not less than one cross-aisle shall have
24 an unobstructed connection with every aisle, other than cross aisles.

25 6. Cross-aisle connections shall be provided for each aisle at intervals not greater
26 than 50 ft. (15.2 m) as measured along the aisle.

27 **Section 3301.2.3.1 Revocation of Permits.** Permits revoked pursuant to Section
28 105.5.1 of this code will not be reissued or approved during a twelve month period
29 subsequent to the effective date of revocation.

30 **Section 3301.2.3.2 Testing of Fireworks.** Two (2) samples and two (2) lists of each
31 device to be stored, handled, or sold within the city and permitted, must be furnished to
32 the Fire Marshal, not later than June 1 of each year.

33 **Section 3301.2.3.3 Regulations.**

1 2. The Fire Marshal may adopt new rules and regulations, or modify and revise
2 existing rules and regulations governing the handling, storage, transportation, discharge,
3 possession, or sale of fireworks within the City of Albuquerque, at any time when in
4 his/her opinion it is deemed necessary to protect life and property.

5 2. No firework shall be approved that has a report (explosion sound) louder than a
6 paper pistol cap, propels any portion, part or projectile more than 10' feet into the air, or
7 moves or propels itself outside of a 6' circle with a 3' foot radius.

8 3. Permit application forms and current rules and regulations shall be available in
9 the Fire Marshal's Office.

10 **Section 3301.7.1** Penalty; Civil. If a person is found guilty of violating any of the
11 provisions of this code, that person's license or permit may be revoked or suspended by
12 the Fire Marshal or his/her designees.

13 No individual, firm, corporation, or partnership shall possess with the intent to sell,
14 distribute, or use within the City of Albuquerque, any fireworks not permitted by this
15 article. If any retailer has in his/her possession any fireworks in violation of this article,
16 his/her permit shall be revoked and such fireworks seized, the fireworks shall be held to be
17 used as evidence. If any person has in his/her possession any fireworks not permitted by
18 this article, all such fireworks shall be seized and kept to be used for evidence. Upon
19 conviction of the offender, the fireworks shall be disposed of in a manner deemed
20 appropriate by the Fire Marshal, however, if the offender is discharged, any permissible
21 fireworks shall be returned to the person in whose possession they were found. Due to
22 the volatile and hazardous nature of fireworks, the Fire Marshal may, upon conviction of
23 any offender, levy all necessary fees and costs for storage and destruction of
24 nonpermissible fireworks.

25 **Section 3308.1.1** Displays.

26 1. Permits are required to conduct fireworks display. See Section 105.1.1.3 (7)
27 Permit application shall be made not less than 14 days prior to the scheduled date of the
28 display. The permits application shall include a diagram of the grounds on which the
29 display is to be held showing the point at which the fireworks are to be discharged; the
30 location of buildings, highways and other lines of communication; the lines behind which
31 the audience will be restrained; and the location of nearby trees, or telephone lines and
32 other overhead obstructions. At the time of permit application, the Fire Marshal or his/her
33 designee shall be consulted regarding requirements for standby fire apparatus.

2. Before any permit for a firework display shall be issued, the person, firm, or corporation making application therefore shall furnish proof of financial responsibility in a minimum amount of two million dollars (\$2,000,000) to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Marshal determines to be necessary for the protection of the public.

3. The Fire Marshal or his/her designated representative, may grant permits for supervised public displays of fireworks by government agencies, fair associations, public schools, amusement parks, and other organizations or groups. Such permits may be granted upon application to the Fire Marshal and the filing of a bond by the applicant as provided herein. Every such display shall be handled by a competent operator certified by the National Pyrotechnician Association as to competency and shall be of such composition, character, and so located, discharged or fired that, in the opinion of the Fire Marshal or his/her designee after inspection, such display shall not be hazardous to property or endanger any person or persons.

4. Applications for permits to store, handle or transport wholesale or retail approved fireworks within the City of Albuquerque must be received by the Fire Marshal on or before June 26 of each year.

5. The sale, possession, use and distribution of fireworks for display purposes shall be conducted so as to be reasonably safe to persons and property, as determined by the Fire Marshal or his/her designee.

Section 3308.1.2 Pyrotechnic Special Effect Material.

1. A permit is required to store or use pyrotechnic effects material. A permit for use shall be granted only to a pyrotechnic operator.

2. Before any permit for a pyrotechnic display shall be issued, the person, firm, or corporation making application therefore shall furnish proof of financial responsibility in a minimum amount of two million dollars (\$2,000,000) to satisfy claims for damages to property or personal injuries arising out of any act or omission on the part of such person, firm or corporation or any agent or employee thereof, in such amount, character, and form as the Fire Marshal determines to be necessary for the protection of the public.

CHAPTER 34

FLAMMABLE AND COMBUSTIBLE LIQUIDS

Section 3403.4.1 Removal of Liquids. Liquids that accumulate in the secondary

1 and/or spill control areas must be removed promptly. Non-hazardous liquids may be
2 drained to a sanitary or storm sewer in accordance with applicable local regulations. If the
3 collected material is a hazardous waste as defined under Title 40 Part 261 of the Code of
4 Federal Regulations, it must be managed as a hazardous waste in accordance with all
5 applicable regulations contained in Parts 262 through 266 of that regulation.

6 **Section 3404.2.9.5.1** The storage of Classes I, II, and III liquids in aboveground
7 storage tanks outside of building is prohibited within the City limits except as follows:

8 Exceptions:

9 1. Aboveground Storage. Storage tanks in existence prior to May 17, 1978,
10 and conforming to all applicable provisions of Chapter 34 shall be permitted where they
11 do not constitute a hazard to life and property or the environment in the opinion of the
12 Fire Marshal.

13 2. Temporary Installation of Outside Aboveground Storage Tanks. The Fire
14 Marshal's Office, upon the lawful filing of an application, may grant "temporary permits"
15 for a period of not more than ninety (90) days for the installation of temporary
16 aboveground storage tank installations where they do not present an unusual danger to
17 life and property or the environment in opinion of the Fire Marshal. Underwriters
18 Laboratories Inc., Standard for Steel Aboveground Storage Tanks for Flammable and
19 Combustible Liquids UL 142 single wall tanks are required for temporary installations and
20 shall meet the requirements of all applicable provisions of the 2003 International Fire Code
21 (IFC) for aboveground storage and are generally limited to construction projects, where
22 on-site fuel is essential and permanent underground installations are impractical.

23 3. Single wall tanks that meet Standard for Steel Aboveground Storage tanks
24 for Flammable and Combustible Liquids, UL 142 may be installed in underground vaults.
25 The vault construction should be of 6 inches of reinforced concrete on all sides, bottom,
26 and top. The top should have hatch for inspection, be water sealed and be engineered for
27 anticipated load. All classes of flammable liquids may be vaulted. All vaults must be of
28 liquid tight construction and have adequate ventilation that meets the requirements of the
29 Fire Marshal's Office.

30 4. Permanent Installations. Permanent installations for storage of flammable
31 combustible liquids in aboveground storage tanks or special enclosures shall meet the
32 requirements of Underwriters Laboratory Inc., Standard for Thermally Insulated
33 Aboveground Fuel Storage Tanks UL 2085. These tanks or special enclosures may be

1 approved for up to 6,000 gallons individual or 18,000 gallons aggregate capacity of
2 flammable or combustible liquids of all classes.

3 5. New Motor Oil and Crankcase Draining Stored Outside of Buildings. New
4 motor oil and crankcase draining outside of a building shall be stored in an Underwriters
5 Laboratory Inc., Standard for Steel Aboveground Storage Tanks for Flammable and
6 Combustible Liquids, UL 142 Type One Double Wall. A storage tank shall not be larger
7 than 6,000 gallons for outside storage. In addition thereto, drainage lines terminating
8 inside a building shall be equipped with a nonremovable-type cap such as a hinged cap.

9 6. Crankcase drainings stored outside of buildings shall be stored in a
10 Underwriters Laboratories Inc., Standard for Steel Aboveground Storage Tanks for
11 Flammable Combustible Liquids, UL 142 Type One Double Wall. A storage tank shall not
12 be larger than 500 gallons for storage outside of buildings. In addition thereto, drainage
13 lines terminating inside a building shall be equipped with a nonremovable-type cap such as
14 a hinged cap. Crankcase oil properties can vary considerably, and light volatile materials
15 can be released during storage or handling, or upon heating. Because of this
16 characteristic, appropriate and adequate provisions shall be made to handle, store, and
17 burn crankcase oil.

18 7. New Motor Oil and Crankcase Drainings Stored Inside of Building. New
19 motor oil and crankcase draining inside a building shall be stored in an Underwriters
20 Laboratory Inc., Standard for Steel Aboveground Storage Tanks for Flammable and
21 Combustible Liquids, UL 142 Type One Double Wall or another suitable design as
22 approved by the Fire Marshal. A storage tank shall not be larger than 500 gallons for
23 storage inside of buildings.

24 Crankcase oil properties can vary considerably, and light volatile materials can
25 be released during storage or handling, or upon heating. Because of this characteristic,
26 appropriate and adequate provisions shall be made to handle, store, and burn crankcase
27 oil.

28 8. Site Plan. Site plans for installation of aboveground storage tanks shall be
29 submitted to the Fire Marshal's Office for review prior to the beginning of any
30 construction, alterations, or installations. The plans shall include the method of storage
31 and dispensing quantities and types of liquids to be stored, distances from tanks and
32 dispensers to property lines and buildings, vehicle access, fire appliances, collision
33 barriers, design, and construction of tanks and tank supports, seismic design of tank

1 supports, secondary containment, tank venting and vapor-recovery provision, emergency
2 controls, and other information required by the Fire Marshal. Site plans submitted are
3 subject to approval by the Fire Marshal's Office.

4 **CHAPTER 46**

5 **WILDLAND URBAN INTERFACE**

6 **Section 4601** General. The planning, construction, maintenance, education, and
7 management elements for the protection of life and property from wildfire shall comply
8 with NFPA 1144, Standard for Protection of Life and Property from Wildfire, and Chapter
9 46.

10 **Section 4601.1** Plans. The plans for construction and development within the
11 wildland urban interface shall be submitted to the Fire Marshal's Office for review and
12 approval.

13 **Section 4601.2** Wildland Fire-Prone Areas.

14 1. Safeguards. Safeguards to prevent the occurrence of fires and to provide
15 adequate fire protection and mitigation measures in hazardous fire areas shall be provided
16 and maintained in accordance with Section 4601.2.

17 **Section 4601.3** Restricted Entry.

18 1. The Fire Marshal's Office shall determine and publicly announce when
19 hazardous fire areas shall be closed to entry and when such areas shall again be opened
20 to entry.

21 2. Unauthorized persons shall not be permitted to enter or remain in closed
22 hazardous fire areas.

23 **Section 4601.4** Use of Flammable Materials and Procedures.

24 1. Rockets, model planes, gliders, and balloons powered with an engine,
25 propellant, or other feature liable to start or cause fire shall not be fired or projected into
26 or across hazardous fire areas.

27 2. Open-Flame Devices. Welding torches, tar pots, decorative torches, and other
28 devices, machines, or processes liable to start or cause fire shall not be operated or used
29 in or upon hazardous fire areas, except by permit from the Fire Marshal's Office.

30 3. Outdoor fires shall not be built, ignited, or maintained in or upon hazardous fire
31 areas.

32 4. Permanent barbecues, portable barbecues, outdoor fireplaces, or grills shall not
33 be used for the disposal of rubbish, trash, or combustible waste material.

Section 4601.5 Incinerators and Fireplaces. Incinerators, outdoor fireplaces, permanent barbecues, and grills shall not be built, installed, or maintained in hazardous fire areas without prior approval of the Albuquerque Fire Marshal's Office.

1. Openings in incinerators, outdoor fireplaces, permanent barbecues, and grills shall be provided with an approved spark arrester, screen, or door.

2. Spark Arresters. Chimneys used in conjunction with outdoor fireplaces, barbecues, incinerators, or heating appliances in which solid or liquid fuel is used, upon buildings, structures, or premises located within 10 ft. (3.05 m) of hazardous vegetation shall be provided with a spark arrester in accordance with Section 8.7 of NFPA 1144. Standard for Protection of Life and Property from Wildfire.

Section 4601.6 Structures.

1. Persons owning, leasing, controlling, operating, or maintaining buildings or structures in, upon, or adjoining hazardous fire areas, and persons owning, leasing, or controlling land adjacent to such building or structures, shall maintain an effective defensible space in accordance with NFPA 1144, Standard for Protection of Life and Property from Wildfire.

2. Where required by the Fire Marshal's Office because of extra hazardous conditions, additional areas shall be maintained to include additional defensible space from building or structures, trees adjacent to or overhanging a building shall be maintained free of deadwood, and the roof of a structures shall be free of leaves, needles , or other dead vegetative growth.

3. Roadways. Areas within 10 ft. (3 m) on each side of portions of highways and private streets shall be cleared of combustible vegetation and other combustible growth. Single specimens of trees, shrubbery, or cultivated ground cover such as green grass, ivy, succulents, or similar plants used as ground covers, shall be permitted to be exempt provided that they do not form a means of readily transmitting fire.

4. Unusual Circumstances. The Fire Marshal's Office shall determine that difficult terrain, danger of erosion, or other unusual circumstances could require additional safe guards.

Section 4601.7 Fire Roads, Firebreaks, and Emergency Access.

1. The provisions of NFPA 1141, Standard for Fire Protection in Planned Building Groups, and NFPA 1144, Standard for Protection of Life and Property from Wildfire, shall be used to determine the design, clearances, and provisions for emergency access

1 (ingress and egress).

2 2. Unauthorized vehicles shall not be driven upon fire roads or firebreaks.
3 Vehicles shall not be parked in a manner that obstructs access to a fire road or firebreak.

4 3. Radio and television aerials, guy wires, and other obstructions shall not be
5 installed or maintained on fire roads or firebreaks unless the vertical clearance is sufficient
6 to allow the movement of fire and emergency apparatus.

7 4. Motorcycles, motor scooters, and motor vehicles shall not be operated within
8 hazardous fire areas, except upon clearly established public or private roads.

9 **Section 5. Availability of Code.**

10 A copy of the Fire Code of the City of Albuquerque, adopted by this ordinance and
11 a copy of the deletions, modifications, amendments and additions to said code are
12 available at the Fire Marshal's Office, City of Albuquerque, for inspection by the public
13 during regular business hours. A copy of said codes and provisions shall be available to
14 any individual upon request and payment of a reasonable charge as set by the Fire
15 Marshal. One copy of the new Fire Code of the City of Albuquerque is available for
16 inspection in the City Clerk's Office, 1 Civic Plaza N.W.

17 **Section 6. Establishment of the Fire Marshal's Office.**

18 (A) The Fire Code of the City of Albuquerque shall be enforced by the Fire
19 Marshal's Office of the Fire Department of the City of Albuquerque, which is hereby
20 established and which shall be administered and directed by the Fire Marshal.

21 (B) The Fire Marshal shall be appointed by the Fire Chief of the Albuquerque Fire
22 Department to exercise the powers and authority as set forth in this code.

23 (C) The Fire Marshal or his/her authorized representatives shall have the authority
24 to issue citations pursuant to the provisions of this code.

25 **Section 7. Amendments to the Fire Code of the City of Albuquerque.**

26 The Fire Code of the City of Albuquerque hereby adopted may be amended or
27 repealed in the same manner as ordinances are amended or repealed.

28 **Section 8. Penalties.**

29 Any person convicted of violating any of the provisions of this code or failing or
30 neglecting to comply with any orders issued pursuant to any section thereof shall be
31 deemed guilty of a misdemeanor and such person shall be guilty of a separate offense for
32 each and every day or portion thereof during which any such violation is continued or
33 permitted. Upon conviction, each such violation shall be punishable by a fine of not more

1 than five hundred dollars (\$500.00) or by imprisonment for not more than ninety (90)
2 days, or by both such fine and imprisonment.

3 **Section 9. Repealer.**

4 Ordinance No. 22-1993 adopting the Fire Prevention code is hereby repealed.

5 **Section 10. Compilation.**

6 This Ordinance shall be incorporated in and made part of the Revised Ordinances
7 of Albuquerque, New Mexico, 1994.

8 **Section 11. Severability Clause.**

9 If any section, subsection, sentence, clause, word or phrase of this code is for any
10 reason held to be unconstitutional or otherwise invalid, such decision shall not affect the
11 validity of the remaining portions of this ordinance. The governing body of the City of
12 Albuquerque hereby declares that it would have passed this ordinance and each section,
13 subsection, sentence, clause, word or phrase thereof, irrespective of the fact that any one
14 of more sections, subsections, sentences, clauses, words or phrases is held
15 unconstitutional or otherwise invalid.

16 **Section 12. Emergency Clause.**

17 This ordinance is hereby declared to be an emergency measure on the ground of
18 urgent public need and is, therefore, to become effective immediately upon its passage
19 and publication by title and summary as provided by law.